

# OCCUPATION OF OREGON.

## SPEECH

OF

## MR. OWEN, OF INDIANA,

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

JANUARY 23 AND 24, 1844.

*On the question of the joint occupancy by Great Britain with the United States, of the Territory of Oregon.*

On the 4th January, 1844, Mr. OWEN introduced a joint resolution, requesting the President of the United States to give notice of twelve months to the Government of Great Britain, in conformity with the provision of an existing treaty, that, from and after the expiration of that term, the occupation of Oregon by Great Britain, conjointly with the United States, should cease. The joint resolution was referred to the Committee on Foreign Affairs; and that committee reported it back on January 23, accompanied by a resolution, to the effect, that "it is inexpedient for Congress, at this time, to act in any manner upon the subject." The question being on the adoption of that resolution—

Mr. OWEN said: I am aware of the effect which the adverse report just made from a committee of a character so high as that on foreign affairs, in regard to the joint resolution which I submitted to this House, is likely to produce. I regret it. I do not understand the committee, however, as expressing an opinion that the resolution should not pass at all; but only, that, for the present, it should be delayed. They are disposed, we may presume, to await the action of time and of certain expected contingencies, before they adopt this measure. I differ from them in regard to the expediency of delay. I think we ought to act now. The views of those who hold to the opposite opinion are entitled to much consideration; I shall always receive their opinions with respect, and examine them with attention; yet, with the lights now before me, I must adhere to my own.

He is but a hot-headed politician, who seeks to urge on a favorite measure that may be just in itself, rashly, prematurely, in a hasty manner, at an improper time. But there is such a thing as temporizing weakness, as well as rashness. To put off the evil day, is bad policy, in public as in private affairs. That which is surely impending—that which we must meet to-day or to-morrow, self-respect and wisdom bid us meet to-day.

If these be correct views, let us inquire how far they apply to the subject before us. The effect of the joint resolution in question, and which a majority of the committee recommend to postpone, is, to terminate a treaty or

convention with Great Britain. By that treaty, Great Britain and the United States may, for the present, jointly occupy Oregon; with a provision that a year's notice from either nation shall terminate the joint occupancy. The resolution provides for giving that notice; and the question to be decided is, whether it be expedient to give that notice at the present time?

To a proper understanding of this question, and a just estimate of its importance, we should distinctly bear in mind, what, and how large, this Territory of Oregon is. Its southern boundary, fixed by the Florida treaty of 1819, is the parallel of  $42^{\circ}$  north latitude. Its northern limit, determined by the Petersburg treaty of 1824, is the parallel of fifty-four degrees and forty minutes. Its front, then, on the Pacific, is about twelve degrees and a half, or upwards of eight hundred and fifty miles. Its average depth to the Rocky Mountains is some five hundred and fifty miles. It contains nearly half a million of square miles, or more than three hundred millions of acres, of territory—one fourth more (let us remember that) than the territory of the thirteen original States, when they asserted their independence. This stock farm of ours, therefore, in the Far West, is no paltry possession. The greatest revolution the world ever saw, was kindled in defence of a territory of smaller extent, and, if recent accounts may be trusted, of scarcely more intrinsic value.

The subject is of an importance such as demands a careful investigation. Permit me then, sir, to ask your attention, and that of the House, to a brief review of the negotiations that have passed, and the measures that have been proposed, relative to this rich and extensive country.

In October of the year 1818, before we had acquired the Spanish title to this portion of the continent, a convention was signed at London, providing, that any country on the northwest coast of America, westward of the Stony Mountains, which may be claimed by Great Britain or the United States, shall, for ten years thenceforward, be free and open to the citizens and subjects of both Powers, without prejudice to the title, in whomsoever residing.

Six years later, in 1824, about the time we agreed with Russia on our northern boundary, the venerable gentleman from Massachusetts, [Mr. ADAMS,] then Secretary of State, set on foot a negotiation for the final adjustment of the boundary question; authorizing Mr. Rush, our minister at the court of St. James, to propose, first, the latitude of fifty-one; and, if Great Britain persisted in refusing that, then the latitude of *forty nine*, as the dividing line between the territories of the two countries.

The offers were made in succession, and the British ministers refused them both. They expressed their willingness to run the forty-ninth degree to where it strikes the northeasternmost branch of the Columbia, and thence down the middle of that river to the Pacific, into which the Columbia falls about latitude forty-six.

Mr. HOLMES. In forty-five and a half.

Mr. OWEN. My impression is, that it is a little north of forty-six; but, if it be forty-five and a half, the proposition of Great Britain was but the more unfavorable to us.

This proposal, from which Great Britain declared the United States must not expect her to depart, was at once rejected, and the negotiations were broken off.

Two years afterwards, they were renewed—Mr. Clay being then Secretary of State.

The official papers connected with this second negotiation should be

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read by every American statesman, who believes we have anything to gain by promised negotiations for Oregon, or anything to lose by passing this resolution, and thus indicating to Great Britain a determination to assert our rights. Allow me, in proof of this opinion, to give you a few extracts from the documents themselves.

Here is the first letter of instruction from Henry Clay to Albert Gallatin, under date of June 19, 1826. After alluding to the instructions formerly sent to Mr. Rush, Mr. Clay adds:

"Nor is it conceived that Great Britain has, or can make out, even a colorable title to any portion of the northwest coast."

I pray you, sir, to observe this expression of Mr. Clay. It is not, that Great Britain's title is weak, is imperfect, is questionable; it is, that she has not even a color of title. It is not, that her title is defective to the southern portion of this territory; but good, or at least plausible, north of the latitude of forty-nine. No, sir, nothing of that sort. But it is, that from north to south, from east to west, over the entire territory, Great Britain has not a pretence, not a shadow of a title. It is, that to every part and parcel of Oregon, from the Spanish line on the south, to the Russian boundary on the north; from the summits of the Rocky mountains across to the waters of the Pacific; the United States are the true, rightful, legitimate owners.

That is the broad, unqualified assertion; and it is true. I pledge myself to this House, if the matter be called in question, before we have done with the subject, to prove, by the tenor of those very treaties to which England appeals, by the admissions of her own statesmen and historians, that to this vast territory, regarding which, for a quarter of a century, we have been tamely negotiating, our title is as clear, distinct, indisputable, as that of any gentleman on this floor to the farm he owns, or the plantation that is his, and was his father's before him.

Such is the truth; and such was Henry Clay's assertion. And yet, ere ever the ink was dry on that honest statement of our rights—before the letter was closed, in which an American Secretary of State declares to an American Minister, that Oregon is, and of right ought to be, ours, that same Secretary empowers that same Minister to trade off—oh no, sir, that is not diplomatic language—to negotiate away nearly one half the territory; recklessly to cede to Great Britain that to which she has not even a color of title—nearly four hundred miles on the Pacific coast, with all the country thence to the Rocky mountains. Here is the paragraph, from the same letter:

"You are authorized to propose the annulment of the third article of the convention of 1818, and the extension of the line on the parallel of forty-nine degrees, from the eastern side of the Rocky mountains, where it now terminates, to the Pacific ocean, as the permanent boundary between the territories of the two powers in that quarter. This is our *ultimatum*, and you may so announce it. We can consent to no other line more favorable to Great Britain."

This offer is made (so Mr. Clay writes in the same letter to Mr. Gallatin) "in a spirit of concession and compromise, which Great Britain should not hesitate to reciprocate."

Concession is a good thing in its place; and if a right be of doubtful validity, prudence sometimes bids us compromise, for the sake of peace. But thus to cede, at the first offer, to a nation that has, avowedly, not a color of title to it, a district of country one-half as large as were the thirteen United States at the date of the Revolution,—this strikes me as pushing somewhat further than justice demands, or national honor warrants, the

principles of charity and good neighborship. I may treat a neighbor kindly and courteously, without being called upon to give him up half my grazing farm, merely because he happens to have taken a fancy to it. I know we are told, that, if a man smite us on the one cheek, we should turn the other; and if he take our coat, we are to give him our cloak also. Interpreted in its spirit, (not in its letter,) this is an admirable injunction. Kindness wins its way, where harsh violence fails; and we can best overcome evil by doing good. Yet, assuredly, we should have a strange time of it, in this world, if, in literal obedience to the precept, we were to resent no injury, and resist no encroachment. The spirit of concession and compromise, especially towards the powerful and the imperious, may be carried too far. It is out of place when it meets no corresponding spirit, and provokes only arrogant pretension in return.

Such was the return which Henry Clay's proposal met from Great Britain. He offered her territory enough, out of our possessions, to cut up into half a dozen good-sized States; and she, presuming, it would seem, on our easy good nature, declared we must give her sufficient for two or three more, before she closed the bargain. Her plenipotentiaries repeated the offer they had previously made, that the Columbia should be the boundary; adding, however, that, as they must confess there is not a single good harbor from latitude forty-two to the mouth of the Columbia, they would cede to the United States the harbor of Port Discovery, in Fucus inlet, together with a small rocky isthmus, lying southeast from Cape Flatery. I know not whether the name of the cape suggested the selection of this particular spot; but Captain Wilkes (commander of the late exploring expedition) informs me the whole tract is of very trifling value. It excludes Admiralty inlet and Puget sound, one of the best harbors in the world, and not unlikely, some day, to be the principal port of entry for the Columbia valley.

The offer of Great Britain was, of course, refused; and so terminated the second attempt at negotiation. Do you find in its details, or in its result, much encouragement to engage in a third?

This negotiating about what already belongs to us, is not only an unprofitable but a dangerous affair. We offer to concede and to compromise; we forbear to claim our just due: and straightway our concessions and forbearance are set up as foundation for a title, which has no other ground to rest upon. I know, that, in strictness of law, a valid title is not prejudiced by an offer to compromise, made for the sake of peace. I am aware, that the permission granted by treaty to Great Britain, jointly with us, to occupy this territory, cannot ripen into a title. Yet, in point of fact, a concession ever weakens a claim. It has already done so, in this very case. Mark, sir, I pray you, the admission made by Albert Gallatin, in his official conference with the British plenipotentiaries. I find it in his reply to Mr. Clay, as follows:

"Our never having refused to agree to a line of demarcation with Great Britain was a sufficient proof that we admitted that she also had claims which deserved, and to which we paid, due consideration. It was on that account that the United States had reduced the extent of their own to the boundary-line they had offered, and had added to it the proposal of allowing to British subjects the free navigation of the Columbia."

Is that plain, sir? That we agreed to negotiate, says Mr. Gallatin to the British minister, proves, that we admit you have some title; and therefore, for that reason, because we have been weak enough to negotiate with

you for our own, the United States offer you upwards of a hundred millions of acres of their territory, to keep peace, and say nothing more about it.

Our own most enlightened statesmen are sometimes, for the moment, led off from the true issue, by this temporizing diplomacy. At the last session of Congress, a distinguished Senator from South Carolina, now no longer a member of the body which for so many years he had graced by his severe and logical eloquence, made a remarkable declaration. I read from the speech of Mr. Calhoun, delivered in the Senate. After stating, that we had proposed to Great Britain the forty-ninth parallel, and she had, in return, offered us the Columbia river, entering the Pacific about latitude forty-six, as boundary, Mr. Calhoun adds:

"It follows that the portion of territory really in dispute between the two countries is about three degrees of latitude—that is, about one-fourth of the whole."

Do you perceive whither all this tends? We are placed in a false position. Our claims north of forty-nine are given up; and the question is made to be, how much more, south of that parallel, we will consent to sacrifice in addition. Will it be replied, that the sentiment quoted is only a remark incidentally falling from an individual member of Congress, which cannot be used against us? And do you imagine, sir, that the words of John C. Calhoun pass not across the Atlantic? Can you believe, that even the chance admissions of such a man, on a subject so interesting to England as Oregon, are not noted by the British ministry—are not registered at St. James's? Do you suppose that Mr. Packenham, the expected British envoy, has not read that speech? And can you doubt, that he will arrive among us prepared to settle, not whether Oregon is ours or Great Britain's, but how these three degrees of latitude are to be parcelled out between us?

What that is satisfactory or desirable can result from a negotiation commencing under auspices like these? We are informed, it is true, in that portion of the President's message which refers to the hitherto unsuccessful negotiations for a northwestern boundary, that "our minister in London has, under instructions, again brought the subject to the consideration of that Government." I am sorry for it. Twice we have approached Great Britain in a spirit of the most liberal concession. Twice she has rejected our advances. The next proposition should come from her. We have made too many already.

The chief objection entertained by the Committee on Foreign Affairs to the proposed resolution, we may presume to be, that it is likely to cast difficulties in the way of the expected negotiation. If there were reasonable promise of benefit to these United States from this diplomatic encounter, the argument might be a good one. But Europe is an overmatch for us in the courtly game of conventions and protocols. From the past I judge the future. That which baffled the talents of Henry Clay, and the perseverance of the gentleman from Massachusetts, [Mr. ADAMS,] we may, I trust, without failing in due respect to our present Chief Magistrate, be permitted to doubt, whether John Tyler can succeed in effecting.

But that is not the proper issue. The truth is, that until we assume an attitude more independent than has hitherto characterized our proceedings relative to Oregon, no President, no Secretary, no Minister, can reasonably be expected to obtain from Great Britain a satisfactory adjustment of this boundary question.

How are we to assume such an attitude? By retracing, as far as we honorably may, the false steps we have taken; by putting an end to en-

tangling alliances, into which we should never have entered; by receding from rejected concessions, which we ought never to have made.\* That is the object and the effect of the joint resolution I introduced.

But the Committee on Foreign Affairs may, perhaps, further object, that such a notice as that resolution proposes is likely to prove offensive, and to involve us in a war. If to declare to Great Britain that she is no longer to remain with us a joint occupant of the valley of the Columbia be cause of war, then war must come. It may come sooner—it may come later; but come it must, at last. Can you arrest emigration to Oregon? How do you propose to set about it? Will you build up, along the summit range of the Rocky mountains, a Chinese wall of demarcation, and say to the untameless spirits of the western wilderness, "Thus far shall ye go, and no farther, and here shall your onward progress be stayed?" Canute had an easier task! When you can whistle back the mountain eagle in his upward flight to the sun; when you can arrest, by a word, the wild horse of the prairie in his mad career; when you can quench, in the fire of passage, that instinct which bids her be up and away to the regions nature designed for her—then, then only, expect to set up meté or bound short of the broad Pacific, a barrier to the restless enterprise of the west.

Oregon is our land of promise. Oregon is our land of destination. "The finger of Nature"—such were once the words of the gentleman from Massachusetts, [Mr. ADAMS,] in regard to this country—"points that out." Two thousand American citizens are already indwellers of her valleys. Five thousand more—ay, it may be twice that number—will have crossed the mountain passes, before another year rolls round. While you are legislating, they are emigrating; and whether you legislate for them or not, they will emigrate still.

What is to be the result of all this? What will England do? If she permit us, as I hope and believe, peacefully to overrun the Columbia valley, north as well as south of the stream, then neither will she find cause of offence in this resolution. But if she resist—and, as a leading London journal (not the ministerial organ, however,) boldly avows she will—if she arm the Indian tribes in her cause,—what then? This resolution may be voted down; the Oregon bill of my friend from Missouri [Mr. HUGHES] may be defeated this session, as a similar bill was, the last; we may depart from these halls without lifting a finger to protect, by military post or otherwise, our settlers on the Columbia; and yet, let the British Government fulfil this threat of arming Indians against us, and then let the tomahawk draw but one drop of American blood; let one single scalp be taken—the forerunner

\* Mr. Owen, speaking in Committee of the Whole on the disadvantages even of the line of 49°, as proposed by the United States and rejected by Great Britain, alluded to the fact, ascertained by the late exploring expedition, that almost all the large masses of good timber in the Territory are found north of 48°, chiefly north of 49°; that a very large district of country around Fort Wallawalla is altogether rolling prairie, destitute of timber, and almost necessarily dependent, in consequence, on the mountain country north of 49°; whence, by means of the upper branches of the Columbia, stretching north as far as 53°, any amount of the best timber can be obtained.

Another great disadvantage of this boundary was also adverted to by Mr. Owen—the fact, namely, that it shut out the United States from the harbors of Nootka and Nisinat, on Vancouver's island, two of the best on the northwest coast; and also from the mouth of Fraser river, a stream the second in importance in the Territory. From the latitude of 42° along the coast to the straits of Fuca, in latitude 48° 30', there is not, Mr. O. remarked, a single harbor of even moderate value. The mouth of the Columbia is worthless as a roadstead; and Gray's harbor, in 47°, is but little better.

of further outrage—and will our people, think you, await your tardy legislation before they rush to the rescue? We have faults and failings enough, God knows—we of the West; but cowardice—tame, cold-blooded cowardice—the craven spirit that would desert a comrade at his utmost need—that, at least, is no part of our character. Let the news pass over our land, of a massacre among the Oregon emigrants; and your armed occupation project will be an idle form. Oregon will soon be occupied—an armed occupation, too! And occupied by whom? Not by smooth-chinned, trim-uniformed cadets from West Point; but by veteran pioneers, from whom old age itself, though it whiten their locks, cannot steal their strength and their fire; by fierce young hunters of the frontier, who heard the war-whoop in their cradles, and who burn to emulate the exploits—to avenge the death, perhaps—of their fathers; by a partisan army, in short, of Nimrod warriors, who, with their knives at their belts, and their long rifles on their shoulders, fear nothing, red or white, in the form of a man.

I am a friend of peace. I hold, that it is our duty to do much, to suffer much, if thus we may avoid the shedding of human blood. What a spectacle would it be, in this age of the world, to see two powerful nations squandering lives and treasure in the insensate and antiquated trade of war! To avert such a calamity, I would agree to any adjustment within the bounds of reason, that should not compromise our honor. Farther than this, even expediency itself forbids us to go. A distinguished British statesman has well said: "He who vindicates the honor of a country, vindicates its dearest interests; for he who vindicates its honor, preserves its peace." Nothing more true. Permanent peace was never yet obtained by dishonorable concession.

Say that these United States, struck with panic terror of England's power, were to abandon to her that to which she scruples not to set up a claim—the entire territory of Oregon; suppose that, for the moment, the settlers there submitted to pass under monarchical rule: should we, even by such base abandonment of our rightful claim, have obtained anything beyond a suspension of hostility? We may, by law, cede territory; but the spirit of freedom is no Russian serf, to go with the land, and become a bondsman to its new master. We thus postpone, not avoid, a contest. We sow the seeds that will surely ripen, and produce, some day, a Northwestern War of Independence. We decree, in fact, that the scenes of 1776 shall, hereafter, be re-enacted on the shores of the Pacific; that Oregon shall have her Bunker Hills and her Benningtons; that some Lexington grass-plot, on the banks of the Columbia, shall, one day, be dyed with the blood of freemen. Then, with a thousand aggravations, will come that war, which we vainly dream we may escape by temporizing.

When we do make a move, let it be an effectual one. It is but folly to cry peace! peace! when there is no peace. It is worse than idle to patch up a hollow truce. That which public opinion demands—that which these United States must have, sooner or later—let us claim now; now, before blood has flowed; now, before, in the excitement of an actual rupture, both Powers lose sight, as there is too much reason to fear they may, of cool and rational judgment.

We know that we must have the valley of the Columbia, north as well as south of the river. No thinking man doubts that. We know, that, ere long, we must not only extend our jurisdiction over that valley, but also provide homes for its emigrants, by grants of lands to actual settlers. A bill

to that effect passed the Senate at its last session, and (after the adverse report made by the gentleman from Massachusetts [Mr. Adams,] as chairman of the Committee on Foreign Affairs, and after a similar character is now pending in this House—another such measure. Some such bill is not unlikely to become a law this very session. It may will, in the course of a year or two.

Yet our right to pass such a bill, with a land clause, is not now necessary and important in any Oregon bill—but it is questioned. Though it be not a direct infraction of the treaty, which declares Oregon "free and open" to the subjects of England equally with the citizens of the United States, it affords ground for an argument of some probability that it is.

This should not be. Let us not jeopard a title, clear and incontestable in itself, by proceeding to assert it after a dubious or questionable manner. Let every step we take in such a matter as this be marked only, but above all suspicion. We must not go to war with England, with the right, even by implication, on her side. With the right clearly on our side, we will not go to war with us.

Let us, then, begin at the beginning. Let us pass the resolution now. Before we promise possession, even in the future, to others, let us ourselves take measures fully to obtain it. The treaty provides the mode. Let us strictly conform to its provisions. That done, we have satisfied every requirement—we have silenced every scruple. And we may then proceed, untrammelled by restricting conventions, to lay the foundations, on the far shores of the Pacific, of free and independent States; destined to spread and to perpetuate those noble institutions that have given us the peace and prosperity we now enjoy.

Thus regarded, the subject assumes a breadth and an importance that carries it far beyond any mere boundary dispute. It becomes a question of principle, rather than of territory. It is but so much whether Oregon shall be ours or England's, as whether the blessings of self-government shall, or shall not, be granted to the infant country. Oregon is not a possession only; it is a trust. As it is the duty of a parent to neglect nothing that shall secure the welfare and happiness of those to whom he has imparted being, so are we bound to secure and maintain for this young Territory every advantage, social and political, which it is within our power to procure for her. If this land be truly ours, we have no right to expose it by desertion, to colonial servitude or revolutionary wars. Millions will hereafter inhabit it. Their political destiny is in our hands. To the world—to after ages—we must render an account of our guardianship. Let us see to it, that we have a good account to render. Now, while yet we may let us assert, for these future Pacific States, that station among the powers of the earth to which the laws of nature and the progress of improvement entitle them. Let us watch over their defenceless infancy. Ere long, they will join their sister states of the confederacy; and, though prairie, and forest, and mountain, now intervene, they will become one with us—not in political bonds only, but in sentiment and in habit, in feeling and in creed.

These are, very briefly stated, the reasons which induce us, notwithstanding the adverse report of the committee, still to maintain that, as a measure both of policy and of justice, the joint resolution which terminates Great Britain's occupancy of Oregon ought now to pass.